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FIFTH DEFENDANT PLEADS GUILTY TO EMPLOYING ILLEGAL ALIENS

SACRAMENTO, Calif.—United States Attorney McGregor W. Scott announced today that RUI TAO LIN, of New York, pleaded guilty today to unlawful employment of aliens and mail fraud before United States District Judge Morrison C. England Jr.

This case is the product of an extensive investigation by the U.S. Immigration and Customs Enforcement.

According to Assistant United States Attorney Kyle Reardon, who is prosecuting the case, LIN was the owner of King's Buffet, an Asian-style buffet restaurant in Vacaville, Calif., until the summer of 2008. He regularly hired and assisted in the hiring of employees that he knew to be illegal aliens from June 2006 until September 17, 2008, as part of a pattern of activity by the business. During this time, the business hired at least 13 undocumented workers.

In hiring undocumented aliens to work at the restaurant, King's Buffet would contact an employment agency in Los Angeles to recruit Asian employees. Other employees, typically from Mexico and Central America, responded to "Help Wanted" notices placed in the businesses.

In order to accurately account for wage and employment taxes, California law requires employers to submit quarterly California Employment Development Department (EDD) wage reports. On July 12, 2008, LIN signed an EDD wage report that did not list the undocumented aliens who had been hired and managed by LIN and co-defendant RU ZHU REN. By failing to list these undocumented aliens, King's Buffet was able to increase revenue at the business by hiding wage and tax information from the state of California. After being signed by LIN, the wage reports were mailed to the EDD offices in Sacramento, Calif.

LIN was the fifth co-defendant to plead guilty. RUI YANG LIN and BI XIA NI, both of Vacaville, pleaded guilty before Judge England on October 23, 2008, to unlawful employment of aliens and concealment of a felony. Sentencing is set for January 8, 2008. FA YONG NI and RU ZHU REN pleaded guilty before United States Magistrate Judge Edmund F. Brennan to unlawful employment of aliens and were immediately sentenced.

LIN is scheduled to be sentenced by Judge England on February 5, 2008, at 9:00 a.m. The maximum statutory penalty for unlawful employment of aliens is six months in prison and a fine of \$3000 for every alien unlawfully employed. The maximum statutory penalty for a violation of mail fraud is 20 years in prison, a \$250,000 fine, and a three-year term of supervised release. However, the actual sentence will be determined at the discretion of the court after consideration of the Federal Sentencing Guidelines, which take into account a number of variables, and any applicable statutory sentencing factors.

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